* BEFORE THE

* DEPUTY ZONING COMMISSIONER

▶ OF BALTIMORE COUNTY * Case No. 89-343-SPH

The Whistler Corporation Petitioners

.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the four dwellings described herein on the subject property as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. & Mrs. Howard W. Ramsay, President and Secretary, respectively, appeared, testified, and were represented by Westin A. Park, Esquire. Estelle Johnson, a rearby resident, appeared as an interested party. There were : Protestants.

Testimony indicated that the subject property, known as 2108, 2110, 2112 and 2114 Alma Avenue, also known as Elma Avenue, consists of 0.66 acres zoned D.R. 5.5, and is improved with four single family dwell-Ang units. Petitioners testified they purchased the property in November 1988 and that at the time of purchase, the property was described as Lots 42 and 43 of Section A, Chesapeake Terrace. The property is located within the Chesapeake Bay Critical Areas and abuts Jones Creek. Testimony indicated that Petitioners are in the process of rehabilitating the subject dwellings and upon requesting building permits were advised they must establish the nonconforming use of the four dwelling units on the property. Testimony presented by Petitioners indicated that all four dwellings have existed on the property since 1932. Petitioners indicated that they had been advised that all properties had been occupied continuously and

vit of Herman J. Raitt, confirming the existence of the four single family dwelling units on the subject property since 1935. Mrs. Johnson testified at the hearing that she or her family have

either resided or been personally familiar with the subject property since the late 1950s, early 1960s. She indicated that since that time, the properties have been occupied continuously and without interruption.

without interruption but for a change in tenancy since their construc-

tion. To support Petitioners' position, Petitioners submitted an affida-

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The C missioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

> "A lawful nonconforming use existing on the effective date of the adoption of these regulations may contin-

ue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

> "104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15,

1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of

the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

> *Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKerry v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 95 (1978).

It is clear the use of the subject property known as 2108, 2110, 2112 and 2114 Alma Avenue as four single family dwelling units has not changed since at least 1935 and pre-dates the 1945 zoning regulations. Therefore a nonconforming use exists. The uncontraverted testimony indicates the use of the property as four single family dwelling units has been continuous and without interruption since approximately 1932.

PETITION FOR SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

The four dwellings that presently exist on the property described herein shown and

on the attached plat as being a legal, non conforming use with regard to density,

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

setbacks, and zoning regulations in general.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R. In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of March, 1979 that the Petition for Special Hearing to approve the nonconforming use of the four dwellings described herein on the subject property as more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 11, 1989, attached hereto and made a part hereof.

Baltimore County Zoring Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haine

March 13, 1989

Westin A. Park, Esquire 111 S. Calvert Street, Suite 1400 Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING N/S Ligman Avenue, 65' W of the c/l of Alma Avenue (2108, 2110, 2112 and 2114 Alma Avenue) 15th Election District - 7th Councilmanic District The Whistler Corporation - Petitioners Case No. 89-343-SPH

Dear Mr. Park:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, / MN-strouty

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

2124 Alma Avenue, Baltimore, Md. 21219

File

Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4 Annapolis, Maryland 214C4

Attorney for Petitioner: Westin A. Park/ (Type or Prot Nam

Contract Purchaser:

(Type or Print Name)

Baltimore, Maryland 21217 111 S. Calvert Street, Suite 1400 Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Legal Owner(s):

THE WHISTLER CORPORATION

(Type or Print Name)

(Type or Print Name)

Baltimore, Maryland 21202 City and State Attorney's Telephone No.: (301) 783-6359

ORDERED By The Zoning Commissioner of Baltimore County, this 2/12 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

I/We do solemnly declare and affirm,

under the penalties of perjury, that I/we

are the legal owner(s) of the property

which is the subject of this Petition.

Jan DO Karsay

Signature Howard W. Ramsay, Preside

151 W. Lafayette Ave. (301) 685-4110

Bay Critical Areas requirements to:

AMN:bjs

Deputy Zoning Commissioner for Baltimore County

ANN M. NASTAROWICZ

-4

cc: Ms. Estelle Johnson People's Counsel

0.668 +/- Acre Parcel on the north side of Lignan Avenue, 50' west of Alma Avenue, 15TH Election District, Baltimore County, Maryland.

Beginning at a point in the center of Lignan Avenue, 50 feet west of the intersection of the centerline of Lignan Avenue and the west side of Alma Avenue. Running thence in the center of Ligman Avenue 1.) North 87 degrees West 100.00 feet. Thence running 2.) North 03 degrees East 228.29 feet to Jones Creek. Thence ritking on Jones Creek 3.) North 70 degrees 08 minutes 33 seconds East 1.16 feet. 4.) North 60 degrees 47 minutes 57 seconds East 15.10 feet, 5.) North 50 degrees 50 minutes 02 seconds East 15.08 feet,

6.) North 42 degrees 27 minutes 58 seconds East 15.00 feet, 7.) North 41 degrees 39 minutes 03 seconds East 15.10 feet 8.) North 35 degrees 30 minutes 13 seconds East 15.12 feet, 9.) North 31 degrees 57 minutes 26 seconds East 15.00 feet 10.) North 33 degrees 56 minutes 05 sec is East 15.22 feet, 11.) North 30 degrees 20 minutes 01 sec is East 16.03 feet, 12.) North 18 degrees 03 minutes 59 seconds East 2.64 feet, 13.) North 18 degrees 16 minutes 09 seconds East 15.03 feet,

14.) North 19 degrees 12 minutes 07 seconds East 14.99 feet,

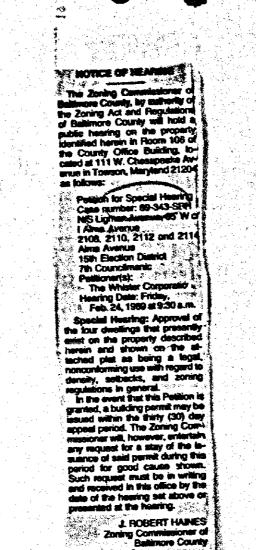
15.) North 18 degrees 13 minutes 42 seconds East 15.00 feet, and 16.) North 16 degrees 48 minutes 55 seconds East 14.98 feet. Running thence 17.) South 73 degrees 14 minutes 01 seconds East 6.82 feet, 18.) South 15 degrees East 8.00 feet and 19.) South 03 degrees West 374.67 feet to the place of beginning.

Containing 0.668 +/- Acres of Land. The improvements being known as #'s 2108, 2110, 2112 & 2114 Alma Avenue.



Dennis F. Rasmussen
County Executive

Location of property: N/S Ligmon Are, 65 V/ A/Ng Are 2108, 7110, 2112 + 7114 Al-49 Axs Location of Signer Foring Abre Atre, epprox 60' FT , your way,



CERTIFICATE OF PUBLICATION

TOWSON, MD., Februay 9 1, 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Lebruary 9 , 1989

CON \$389-343-SPH

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Date: 2/21/89

The Whistler Corporation 151 W. Lafayette Avenue Baltimore, Maryland 21217

ATTN: HOWARD W. Ramsay, President

Petition for Special Hearing CASE NUMBER: 89-343-SPH N/S Ligman Avenue, 65' W c/l Alma Avenue 2108, 2110, 2112, and 2114 Alma Avenue 15th Election District - 7th Councilmanic Petitioner(s): The Whister Corporation

HEARING SCHEDULED: FRIDAY, FEBRUARY 24, 1989 at 9:30 a.m. Gentlemen:

Please be advised that \(\frac{7/06.89}{\text{ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room III, Towson, Maryland 21204 fifteen (15) minutes before your hearing is cheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not

Very truly yours,

J. Robert Haines J. ROBERT HAINES Zoning Commissioner of Baltimore County

Westin A. Park, Esq.

Baltimore County Zoning Commissioner
Office of Planning & Zo. Towson, Maryland 21204 494-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing CASE NUMBER: 89-343-SPH N/S Ligman Avenue, 65' W c/l Alma Avenue 2108, 2110, 2112, and 2114 Alma Avenue 15th Election District - 7th Councilmanic Petitioner(s): The Whister Corporation HEARING SCHEDULED: FRIDAY, FEBRUARY 24, 1989 at 9:30 a.m.

Special Hearing: Approval of the four dwellings that presently exist on the property described herein and shown on the attached plat as being a legal, nonconforming use with regard to density, setbacks, and zoning regulations in general.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: The Whistler Corporation

Westin A. Park, Esq. Chesapeake Bay Critical Area Commission Adding Commission

Aming Commission

(Mice of Passing & Aming

Invest, Maryland 21204

200-1353

EDUCT OF MARKET The Daving Comprissions of Bullimore County, by authority of the ? Zoning Act and Regulations of Rolls mont Chearly will held a public tenning on the properly identified terms in Russ 106 of the County Office Building, Incated at 111 W. Chespeole Annue in Tourse, Maryand as follows: Prilling for Special Resing CASE SERVICE SHAGESTON OF Vol. 1 Man James 2000, 7130, 721, and 2114 Same Assessed 15h Section Selection 7h Consciousis Selection Politicost: Do Minter Copenias NEMBRIS SCHERLER FROM, FEMANT 24, 1989 at 9-39 a.m.

Special Hearing: Append of the four ductings that presently exist.

on the property described bersing and shown on the affected plot as

being a legal, nonconforming use with segant to density, solution, and

uning equitions in general. (1)

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his office by the date of the hear-

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CERTIFICATE OF PUBLICATION

Dundalk Eagle

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

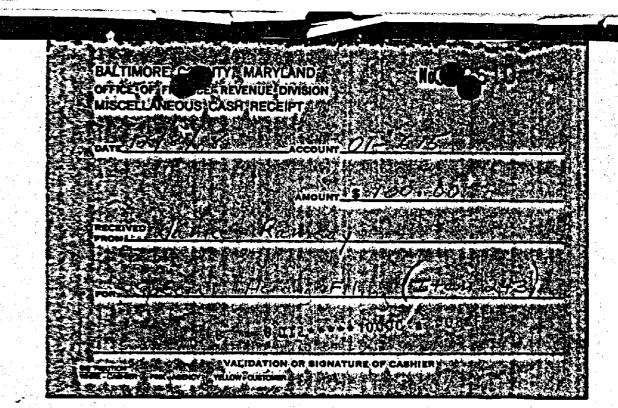
February 9,

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case 89-343-SPH - P.O. #09644 - Req. #M25239 - 97 lines \$48.50 was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week

for suxucessions weeks/before the 10th day of February 19 89; that is to say,

the same was inserted in the issues of Feb. 9, 1989

Kimbel Publication, Inc. per Publisher.



Tracking System

Baltimore County
Zoning Commissioner Office of Planning & Zoning

Number TYPE identification Number

Petitioner: The Whistler Corporation (First)

2112 and 2114 Alma Avenue

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 111 W. Chesspeake Ave. Towson, Haryland 21284

State Roads Commissi

Bureau of Fire Prevention

Health Department

Building Department

Board of Education Ioning Administratio

Industrial

Project Planning

Westin A. Park, Esquire 111 S. Calvert Street, Suite 1400 Baltimore, MD 21202

> RE: Item No. 243, Case No. 89-343-SPH Petitioner: Howard W. Ramsay Petition for Special Hearing

February 8, 1989

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, Chairman

Zoning Plans Advisory Committee

JFD:jw Enclosure

cc: Mr. Howard W. Ramsay The Whistler Corporation 151 W. LaFayette Avenue Baltimore, MD 21217

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887 3554

89-343-SPE



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 199, 205, 209, 237, 238, 239, 240, 241, 243, 244, 245, 246, and 247.

Chairman, Zoning Plans Advisory Committee BALTIMORE COUNTY, MARYLAND
OFFICE OF FILLACE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

Put my + alv. for 89-343-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

day of Pecember

Westin A. Park

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

8 014**** 10664:a 8248F

Paul H. Reincke

December 29, 1988

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: The Whistler Corporation

Location: N/S of Ligman Avenue, 65° W. of c/1 of Alma Avenue

Dennis F. Rasmussen
County Executive

Item No.: 243

Zoning Agenda: Meeting of 12/20/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 600 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Work OK HEW SITE PLAN SHOWS FIRE HYDRAHT JK 3/24/69

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at ____

EXCEEDS the maximum allowed by the Fire Department.

* (x) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division *Panhandle Road shall have a minimum width of 16' and support 50,000 lb. fire OK IF OWNERS ACREE -TO MAINTAIN EXISTING CRUSHER RUN ROAD

gK 2/24/8

BALTIMORE COUNTY, MARYLAND

February 9, 1989

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner

Pat Keller, Deputy Director FROM Office of Planning and Zoning

Zoning Petition Nos. 89-318-A (Podles); 89-343-SPH The Whistler); SUBJECT 89-345-A (Whispering Meadow); and 89-347-A (Bush)

The Office of Planning and Zoning has no comment on the above

PK/sf

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Special Hearing - Item #243 The Whistler Corporation - Howard Ramsey 2108 - 2114 Alma Avenue

ZONING OFFICE

The subject property is located at 2108, 2110, 2112, and 2114 Alma Avenue. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area.

The applicant has requested a Special Hearing to allow the continuation of a pre-existing, non-conforming use, consisting of four dwelling units on the above parcels. Current density requirements allow 3.67 dwelling units on the above parcels.

The applicant intends to renovate the existing structures only, and to convert the ownership to zero lot line condominiums. The foot prints of the structures will remain the same, with no increase in the amount of impervious surface.

It is also the intention of the applicant to repair the existing bulkhead, and to replace the pier as shown on the attached plat.

In accordance with the Chesapeake Bay Critical Area Criteria, the above use is permitted to continue if deemed a non-conforming use by the Baltimore County Zoning Commissioner. < COMAR 14.15.02.07 A>.

If expansion of use is proposed that will exceed 25% of the ground floor so used, the Department shall request a Critical Area findings plan that addresses Chesapeake Bay Critical Area requirements.

If expansion of the pier is proposed, the Critical Area Criteria limits the number of slips and moorings to one for each lot or dwelling, whichever is greater. < COMAR 14.15.04.07 (5)(B)>.

If further information is required, please contact Mr. David C. Flowers at 887-3980.

> Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

cc: Honorable Ronald B. Hickernell

RWS: KIC: tjg



JUDGE SOLOMON LISS

COMMISSIONERS

Thomas Osborne Anne Arundel Co.

James E. Gutman Anne Anundel Co.

Ronald Karasic Baltimore City

Thomas Jarvis Carolina Co.

Kathryn D. Langner Cecit Co.

Samuel Y. Bowling

Charles Co. G. Steele Phillips Dorchester Co.

Victor K. Butanis

Wallace D. Miller

Parris Glendening Prince George's C

Robert R. Price, Jr.

J. Frank Fialey, Jr.

St. Mary's Co.

Ronald D. Adkins

Shepard Krech, Jr.

Samuel E. Turner, Si Talbot Co.

CABINET MEMBERS

William J. Bostian

Russell Blake

Albert W. Zahniser

STATE OF MARYLAND CHESAPEAKE BAY CRITICAL AREAS COMMISSION DEPARTMENT OF NATURAL RESOURCES TAWES STATE OFFICE BUILDING, D-4 ANNAPOLIS, MARYLAND 21401 974-2418 or 974-2426

January 27, 1989 []

Mr. J. Robert Haines Zoning Commission of Baltimore County Office of Planning & Zoning County Office Building Towson, MD 21204

Re: Petition for Special Hearing

ZONING OFFICE

Case #89-343-SPH The Whistler Corporation

Dear Mr. Haines:

This is to acknowledge receipt of the above-referenced project application. The project will be reviewed, and you will be notified

when that review has been completed.

Sincerely, Ren Serry and

Ren Serey, Chief Project Evaluation Division

RS:msl

Wayne A. Cawley, Jr. J. Randall Evans Martin Walsh, Jr.

Ardath Cade Torrey Brown Constance Lieder Planning

TTY for Deaf-Annapolis-974-2609 D.C. Metro-586-0450

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

AFFIANT (Handwritten Signature) Herman PAitt
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the buildings located at 2108-2110-2112 and 2114 Alma Avenue have been occupied as Single Family Residential dwelling units since 1935?

(answer)

2. Can you also verify and testify, if necessary, that said dwelling units have been occupied every year since 1935?

3. Will you realize any gain from the sale of this Property? (answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this <u>24tl</u> day of <u>FEBRUARY</u>, 19<u>39</u>, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared <u>HERMAN J. RAITT</u>, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

NOTARY PUBLIC My Commission Expires: NOTE: APPROVED PLANS MUST BE ON SITE FOR INSPECTIONS, INCLUDING COMMENTS TOU MUST HAVE THE FOLLOWING INFORMATION TO CALL FOR AN INSPECTION: PERMIT NUMBER, DISTRICT, PRECINCT AND STREET ADDRESS.

Inspections shall be -11ed for between 7:30 A.M. & 2:30 P.M. with one days notice on all instances, except occupancy inspections, which require at least three days. Plumbing and Electrical inspections must be called for by registered licensed personnel. For 'espections call: BUILDING 887-3953, PLUMBING 887-3620, ELECTRICAL 887-3960 FIRE DEPT. 887-3485. The

. Footing Inspection: shall be called for as soon as the trenches are

2. Foundation Inspection: shall be called for when the foundation has

3. Slab Inspection: shall be called for when all reinforcing, piping, wiring, weepholes, drain tile, etc., are in place or completed and inspected by Plumbing/Electrical inspection and before pouring

are in place, electric and plumbing roughed in and inspected, chimney and duct work installed and before covering with lathe, insulation or drywall. All fire stopping to be installed. A separate ceiling grid inspection to be determined by inspector.

4. Framing Inspection: shall be called for when all structural members

5. Insulation Inspection: after framing inspection, but prior to

6. Occupancy or Final Inspection: shall be called for after all other County Agencies concerned have approved, but before the structure is

Footing - Foundation - Slab - Framing - Insulation -

6 Inspections Required:

3 Inspections Required: Framing - Insulation - Occupancy or Final 2 Inspections Required:

Footing - Final Factory Evilt Fireplace and Stoves:

? Inspections Required: framing with thimble in place - Final

3 Inspections Required:

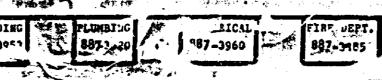
for when the throat/framing of the unit is complete, but prior to the erection of the chimney - Final 3 Ins. octions Required:

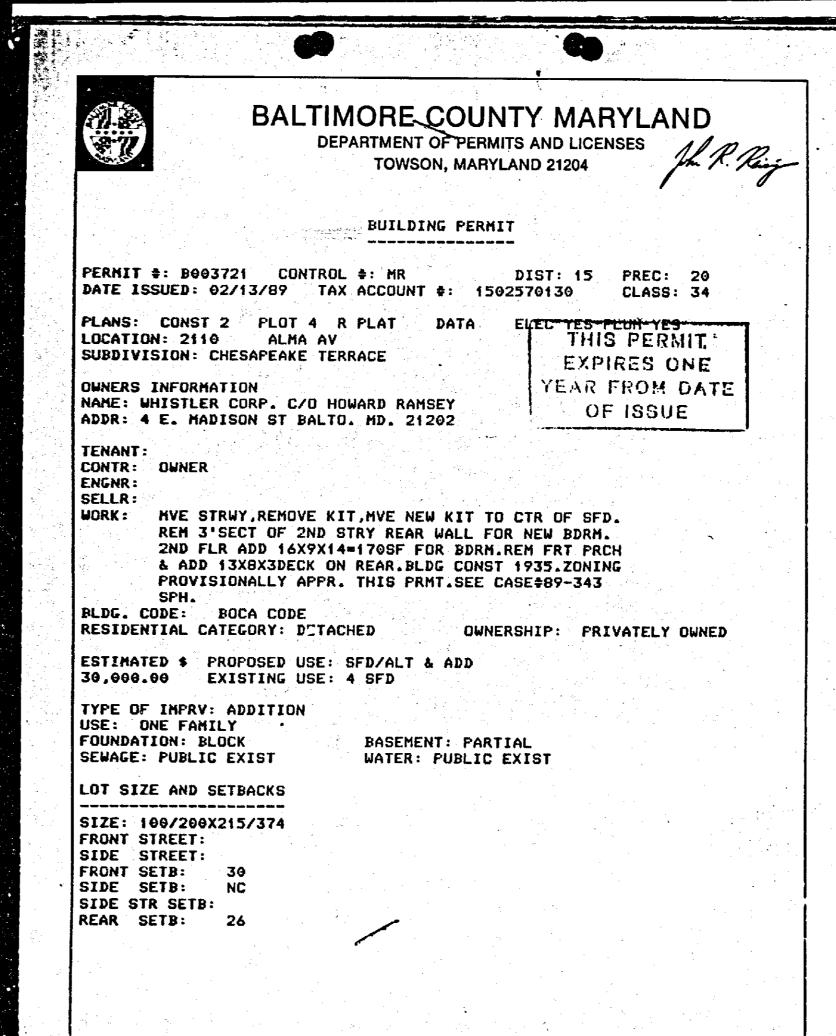
Prostic (Fire Dept) Excavation w/tank, bedding & piping in place prior to backfill (Bldg Jor ,) - Final 1 Inspect_ ~ Required: Tank removed and hole "terilized prior to backfill

Swimming Pools: 4 Inspection Required: Steel in place & Bonded - Concrete poured - Fence erecte1 - Final Fencing, Siding, Razing, Grading & Temporaries: 1 Inspection Required:

Final (when all work completed per peralt) WELL * SPECTION MUST BE MAD? TWO MEEKS B FORE CUCUPANCY OR FINAL INSPECTIO IS TO BE CALLED 278 - 887-2762 Be Hechanical Works-Demands on t; . and extent of work. Contact Inspecto

BERS TO CALL FOR INSPECTIONS

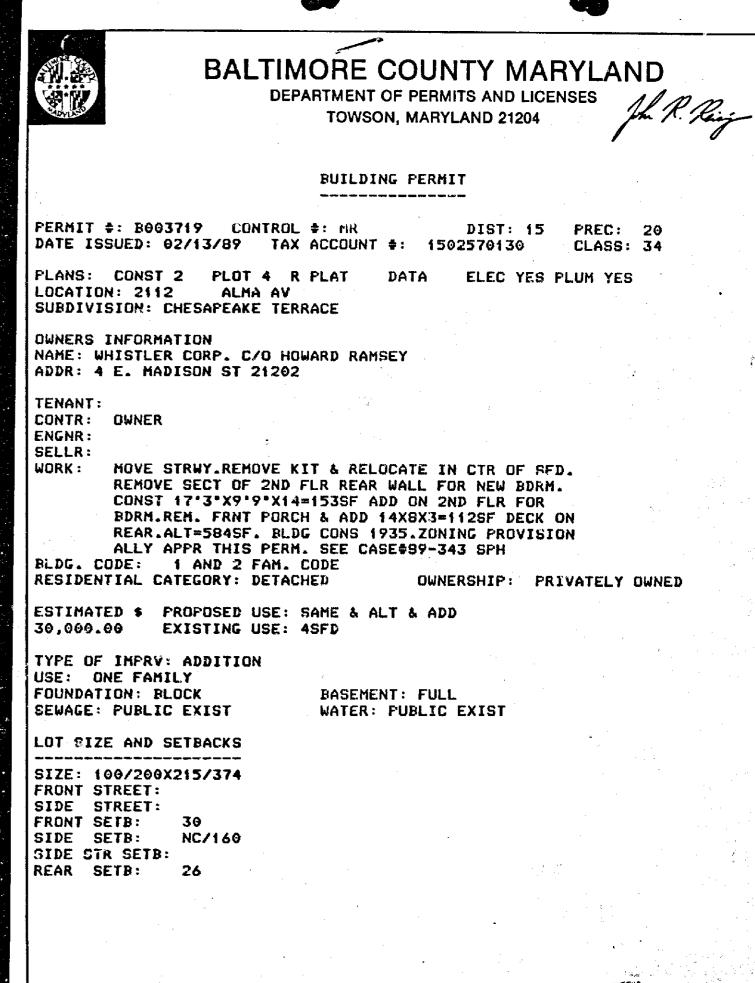




"" YE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE

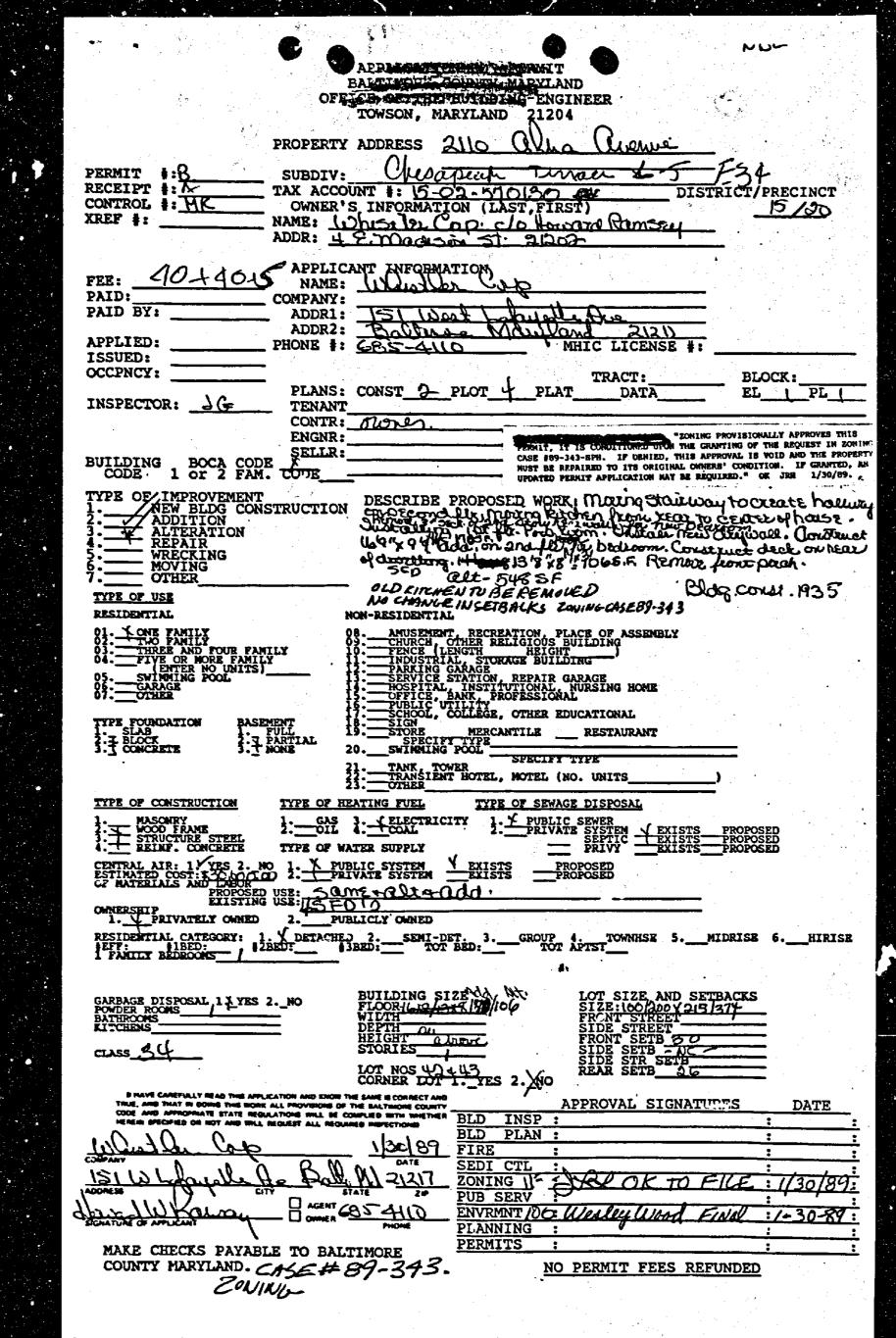
" THE BORNE THIS WORK ALL PROVISIONS OF THE SALTMORE COUNTY CODE AND

" THE PROPERTY STATE WES ILLATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED



If have carefully RE 10 this application and know the same is correct and trul and that in doing this work all provisions of the saltimore county code an

• •	APPLICATION FOR		10 UC
	BALLIMORE LOUN ICE OF THE BUMDIN TOWSON, MARYLAND	HE ENGINEER	·
PROPERTY	ADDRESS 2112	Alma Avenue.	_
ERMIT : R SUBDIV: ECEIPT : A TAX ACCO ONTROL : HR OWNER' REF : NAME: L	01	Lenau (-3 DISO DIST ST, FIRST)	F=34 TRICT/PRECINCT _15/20
EE: 4044045 APPLIC NAME: COMPANY:	ant information The Whistle	er Coeferation	•
ADDR1: ADDR2: APPLIED: RHONE #:	DALTIMORE	Hele Avenue MI) 21217 MHIC LICENSE 1:	N/A.
SSUED: OCCPNCY:		TRACT:	BLOCK:
NSPECTOR: J.G. TENANT	CONST 2 PLOT 4	PLATDATA	ELPL
ENGNR: SUILDING BOCA CODE CODE 1 or 2 FAM. CODE x	E 4 NOS	PRINT, IT IS CONDITIONED UPON THE CONDITIONED UPON THE CONDITIONED UPON THE CONDITIONED UPON THE REPRINED TO ITS ORIGINAL OWN UPONTED PERSIT APPLICATION MAY BE RE	PPROVAL IS VOID AND THE PROPERTY ERS' CONDITION. IF GRANTED, AN
TYPE OF IMPROVEMENT NEW BLDG CONSTRUCTION	DESCRIBE PROPOSI	ED WORK (MOUZ Staubux	म्म १० व्यक्टिक १ १७५
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•	NON-RESIDENTIAL ZEROAC	O152 07 312	
03. THREE AND FOUR FAMILY 04. FIVE OR MORE FAMILY 05. SWIMMING POOL 06. GARAGE 07. OTHER	11 INDUSTRIAL STORM 12 PARKING GARAGE 13 SERVICE STATION 14 HOSPITAL, INSTITUTE 15 OFFICE, BANK, PRO 16 PUBLIC UTILITY 17 SCHOOL, COLLEGE,	ATION, PLACE OF ASSEMBLY LIGIOUS BUILDING HEIGHT AGE BUILDING REPAIR GARAGE JTIONAL, MURSING HOME OFFESSIONAL OTHER EDUCATIONAL	•
TYPE FOUNDATION BASEMENT 1. SLAB 2. BLOCK 2. FULL 3. CONCRETE 3. NONE	19: Store Mercan Specify Type 20. Swimming Pool 21. Tank Tower 22. Transient Hotel,	TILE RESTAURANT	
TYPE OF CONSTRUCTION TYPE OF H	EATING FUEL TYPE	OF SEWAGE DISPOSAL	_
1. MASONRY 2. WOOD FRAME 3. T STRUCTURE STEEL 4. LINF. CONCRETE TYPE OF W	3. 1 ELECTRICITY 1: COAL 2: ATER SUPPLY	PRIVATE SYSTEM Y EXISTS SEPTIC EXISTS PRIVY EXISTS	PROPOSED PROPOSED PROPOSED
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GARBAGE DISPOSAL 1.LYES 2NO POWDER ROOMS BATHROOMS KITCHENS	BUILDING SIZE FLOOR HANDERS 101/18 WIDTH DEPTH	LOT SIZE AND SIZE ICO 1200 x 200 FRONT STREET SIDE STREET	TBACKS 5/3/74
class_34	LOT NOS 43+43	FRONT SETB 30 SIDE SETB VC/\C SIDE STR SETB REAR SETB 06	67
II MAYE CAREFULLY READ THIS APPLICATION AND KNOW TRUE, AND THAT IN DOING THIS BOOK ALL PROVISIONS O CODE AND APPROPRIET STATE REGULATIONS WILL BE MEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REGI	THE SAME IS CORRECT AND F THE BALTIMORE COUNTY COMPLIED WITH WHETHER BLD	2.\(\sum_{NO}\) APPROVAL SIGNATINSP:	URES DATE
The Whistler Copo	130 STFIRE	PLAN:	<u> </u>
151 W. Lafagette Ave	DATE SEDI ZONIN		TUE 1/30/89
STATUTE OF APPLICANT	GRA THO ENVRM	NT 100 (1/2sleyle/rod 1	FINAL : 1-30-89:
MAKE CHECKS PAYABLE TO BAI	TIMORE PERMI	TS :	<u>:</u>



3 anna ave

Baltimore County Zoning Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Te: 2108-2114 Alma Avenue

Gentlemen:

At the request of Howard and Janice Ramsay I executed an affidavit which indicated that I had personal knowledge of the fact that the improvements consisting of four residential dwellings located on the land which is the subject matter of a special zoning hearing were built around 1935. Apparently, the Deputy Zoning Commissioner has now asked for a letter regarding the basis for my sworn statement expressing my willingness to testify regarding the date when these buildings were built.

I have lived in, or around Chesapeake Terrace since prior to 1935, and I have watched the area develop. It is my specific recollection that the four buildings located at 2108 through 2114 Alma Avenue were built in the mid 1930's. Therefore my personal observations over a 50-year period are the basis of my ability to be able to provide a sworn statement to Howard and Janice Ramsay regarding the date of the construction of these buildings.

Very truly yours,

ZONING OFFICE

NILES, BARTON & WILMER WASHINGTON, D. C. 20006 1616 H STREET, N. W. CAMBRIDGE, MD. 21613

314 HIGH STREET

P. O. BOX 836

Dear Mr. Dyer:

ATTORNEYS AT LAW 1400 LEGG MASON TOWER 111 S. CALVERT STREET BALTIMORE, MARYLAND 21202-3200 301-783-6300

CABLE ADDRESS NILWO TELEX 87-469-NILESLAW EA5Y LINK 62927328 TELECOPIER 301-783-6363

WRITER'S DIRECT NUMBER

Pebruary 17, 1989

Mr. James B. Dyer Chairman Zoning Plans Advisory Committee County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Petitioner: Howard W. Ramsay Petition for Special Hearing

Re: Item No. 2413, Case No. 89-343-SPH

FEB 23 1989

ZONING OFF

Thank you for your letter of February 8th enclosing the December 29, 1988 comments of the Baltimore County Fire Department with regard to the zoning on the captioned property.

Please accept this letter as a response to the Fire Department's comments for placement in the file prior to the February 24, 1989 hearing. It is The Whistler Corporation's understanding, verified by its on-site inspection and Baltimore County's Public Works Drawings, that a fire hydrant is located within 600 feet of the existing dwellings on the property. The fire hydrant is located on the West side of Alma Avenue North of the junction of Alma and Lincoln Avenues. As the requested zoning seeks merely permission to maintain dwellings already located on the property, no new public roads will be constructed. The existing panhandled driveway is approximately 20 feet in width and has already supported heavy equipment; however, The Whistler Corporation will insure that the crusher run ultimately placed on the driveway will be of sufficient depth to support 50,000 pounds of fire apparatus. Any rehabilitation of existing structures on the property will comply with the applicable portions of the Fire Prevention Code and the applicable requirements of the Natural Fire Protection Association Standard No. 101 (1976 Edition). My letter to Capt. Joseph Kelly of the Baltimore County Fire Department confirming our understanding in that regard is attached. our understanding in that regard is attached.

Mr. James E. Dyer Page 2 February 17, 1989

COUNTY MARYLAND. ZOWILL CASE# 89-343

I again request that the Office of Planning and Zoning's records, including the records on this hearing, be corrected to show that the petitioner is The Whistler Corporation. I have previously confirmed with Donna Thompson of the Zoning Office that this had been done, and that the spelling of the petitioner's name had been correctly placed on all official documents and records.

Thank you very much for your cooperation in this matter.

NO PERMIT FEES REFUNDED

WAP:hmk

NILES, BARTON & WILMER ATTORNEYS AT LAW 1400 LEGG MASON TOWER III S. CALVERT STREET

BALTIMORE, MARYLAND 21202-3200 301-783-6309

CABLE ADDRESS NILWO TELEX 87-468-NILESLAW EASY UNK 62927928

February 21, 1989

Capt. Joseph Kelly Planning Group Special Inspection Division Baltimore County Zoning Plans Advisory Committee County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Item 2343, Case No. 89-343-SPH Petitioner: Howard W. Ramsav Petition for Special Hearing

Dear Capt. Kelly:

CAMBRIDGE, MD. 21613

P. O. BOX 636 301-228-7080

This refers to your letter of December 29, 1988 addressed to J. Robert Haines, Zoning Commissioner. In reviewing your comments regarding this special hearing request, I noticed that one of your requirements is the placement of fire hydrants at intervals of 600 feet along an approved road, in accordance with Baltimore County standards. The Whisler Corporation has located, and the public works drawings of the County confirmed, the existence of a fire hydrant on the West side of Alma Avenue at or North of its junction with Lincoln Avenue. This fire hydrant is within 600 feet of each of the existing structures located on The Whistler Corporation's property. I believe you have discussed this matter with Janice Ramsay from the company, and that you are now satisifed that the installation of no new fire hydrants is required. If this is the case, will you please so advise Mr. Haines so that the file which goes to the special hearing will be complete with regard to this issue.

No new public roads will be constructed to service the rehabilitated project. Access to the dwellings will be provided by a private driveway which Critical Area Management has indicated has to be crusher-run due to its proximity to the water. Heavy equipment has already been on-site using a private roadway, and has had no difficulty with ingress or egress. I trust these facts will satisfy your concerns with regard to roadways.

· Capt. Joseph Kelly February 21, 1989

WAP:hak

As you previously discussed with Mrs. Ramsay, the existing structures located on the company's property will be completely rehabilitated in accordance with Baltimore County Code requirements. The County will, of course, be inspecting this rehabilitation work during its progress. These inspections will insure that any applicable fire code requirements for these structures will be met. I would trust that this satisfies the other requirements mentioned in your December 29, 1988 letter.

I thank you for your prompt response to the Zoning Commissioners and I am sure The Whistler Corporation looks forward to cooperating with you during the course of this

Very truly yours,

Weston A. Park

THE WHISTLER CORPORATION 151 W. Lafayette Avenue Baltimore, Maryland 21217 (301) 685-4110

Re: 2108, 2110, 2114 Alma Avenue Baltimore, Maryland 21219

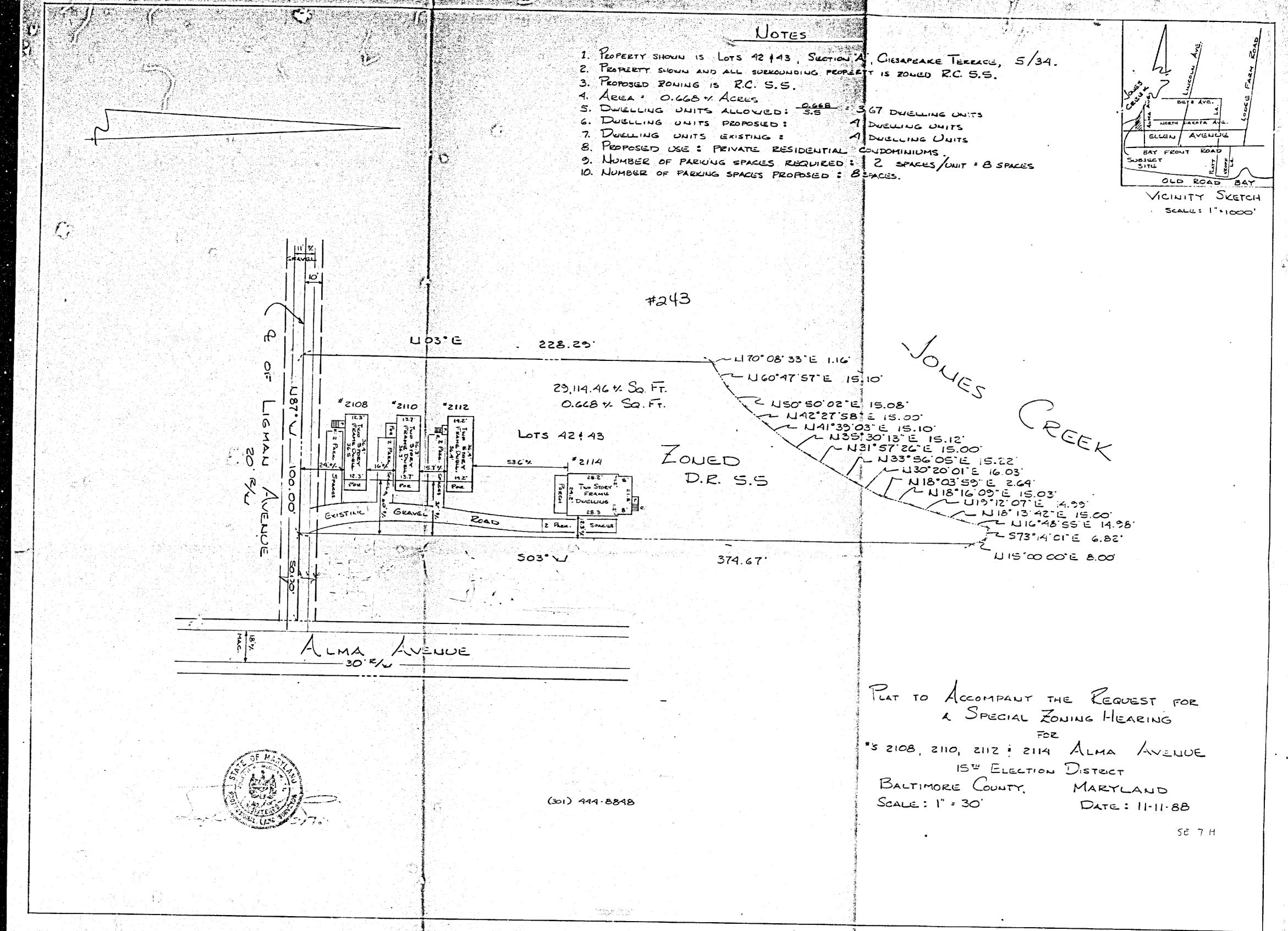
To Whom It May Concern:

In return for permission granted to approve building permits for construction prior to the outcome of the petition for special hearing for the above-referenced property, it is hereby agreed that in the event that said special hearing is not granted via the zoning commissioner or subsequent appeals, we, Howard W. Ramsay and Janice N. Ramsay, dba The Whistler Corporation, owners of the subject property, agree herewith to return all revised construction to its original state thereby accepting the full responsibility for any loss of monies resulting from returning said properties to their original state.

PW/LTR1.18

THE WHISTLER CORPORATION Howard W. Ramsay, President - ferrer famous Janice N. Ramsay, Secretary

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 151 W. Catagethe Are 21219 2124 alma ave 21219 19,0 - 4hmes loose Pek



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